

MOTOR VEHICLE ACT AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies the Motor Vehicles Code by amending provisions relating to motor vehicles.

Highlighted Provisions:

This bill:

- ▶ provides that the Tax Commission may permit an owner or lessee of a commercial fleet of vehicles that are apportioned and required to be registered in this state to register the vehicles commencing on certain days and expiring on certain days in the following year;
- ▶ repeals the requirement that an owner of a vehicle record the actual miles on an application for a renewal of registration;
- ▶ provides that the Motor Vehicle Division shall publish a notice of a sale of a motor vehicle that has been seized and has not been recovered on the division's website rather than in a newspaper of general statewide circulation;
- ▶ authorizes a county legislative body of a county that is required to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard to impose a local emissions compliance fee;
- ▶ establishes the procedures and requirements for a county legislative body to impose a local emissions compliance fee;
- ▶ requires a county legislative body that imposes a local emissions compliance fee to use revenues generated from the fee for the establishment and enforcement of an emissions inspection and maintenance program; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **41-1a-203**, as last amended by Laws of Utah 2009, Chapter 26

37 **41-1a-215**, as last amended by Laws of Utah 2008, Chapter 210

38 **41-1a-905**, as renumbered and amended by Laws of Utah 1992, Chapter 1

39 **41-1a-1103**, as last amended by Laws of Utah 2009, Chapter 388

40 **41-1a-1201**, as last amended by Laws of Utah 2009, First Special Session, Chapter 6

41 **41-6a-1642 (Effective 01/01/10)**, as last amended by Laws of Utah 2009, Chapter 171

42 ENACTS:

43 **41-1a-1223**, Utah Code Annotated 1953

44

45 *Be it enacted by the Legislature of the state of Utah:*

46 Section 1. Section **41-1a-203** is amended to read:

47 **41-1a-203. Prerequisites for registration, transfer of ownership, or registration**
48 **renewal.**

49 (1) Except as otherwise provided, prior to registration of a vehicle, an owner shall:

50 (a) obtain an identification number inspection under Section 41-1a-204;

51 (b) obtain a safety inspection certificate, if required in the current year, as provided
52 under Sections 41-1a-205 and 53-8-205;

53 (c) obtain a certificate of emissions inspection, if required in the current year, as
54 provided under Section 41-6a-1642;

55 (d) pay property taxes, the in lieu fee, or receive a property tax clearance under Section
56 41-1a-206 or 41-1a-207;

57 (e) pay the automobile driver education tax required by Section 41-1a-208;

58 (f) pay the applicable registration fee under Part 12, Fee and Tax Requirements;

59 (g) pay the uninsured motorist identification fee under Section 41-1a-1218, if
60 applicable;

61 (h) pay the motor carrier fee under Section 41-1a-1219, if applicable; ~~and~~

62 (i) pay any applicable local emissions compliance fee under Section 41-1a-1223; and

63 ~~(j)~~ (i) pay the taxes applicable under Title 59, Chapter 12, Sales and Use Tax Act.

(2) In addition to the requirements in Subsection (1), an owner whose vehicle has not been previously registered or that is currently registered under a previous owner's name shall also apply for a valid certificate of title in the owner's name prior to registration.

(3) A new registration, transfer of ownership, or registration renewal under Section 73-18-7 may not be issued for a vessel or outboard motor that is subject to the title provisions of this chapter unless a certificate of title has been or is in the process of being issued in the same owner's name.

(4) A new registration, transfer of ownership, or registration renewal under Section 41-22-3 may not be issued for an off-highway vehicle that is subject to the titling provisions of this chapter unless a certificate of title has been or is in the process of being issued in the same owner's name.

Section 2. Section **41-1a-215** is amended to read:

41-1a-215. Staggered registration dates -- Exceptions.

(1) (a) Except as provided under Subsections (2) and (3), every vehicle registration, every registration card, and every registration plate issued under this chapter for the first registration of the vehicle in this state, continues in effect for a period of 12 months beginning with the first day of the calendar month of registration and does not expire until the last day of the same month in the following year.

(b) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the vehicle is extended to midnight of the next business day.

(2) The provisions of Subsection (1) do not apply to the following:

- (a) registration issued to government vehicles under Section 41-1a-221;
- (b) registration issued to apportioned vehicles under Section 41-1a-301;
- (c) multiyear registration issued under Section 41-1a-222;
- (d) lifetime trailer registration issued under Section 41-1a-1206;
- (e) partial year registration issued under Section 41-1a-1207;
- (f) registration issued under Section 41-1a-215.5; or
- (g) plates issued to a dealer, dismantler, manufacturer, remanufacturer, and transporter under Title 41, Chapter 3, Part 5, Special Dealer License Plates.

(3) (a) Upon application of the owner or lessee of a fleet of commercial vehicles not

apportioned under Section 41-1a-301 and required to be registered in this state, the State Tax Commission may permit the vehicles to be registered for a registration period commencing on the first day of March, June, September, or December of any year and expiring on the last day of March, June, September, or December in the following year.

(b) Upon application of the owner or lessee of a fleet of commercial vehicles apportioned under Section 41-1a-301 and required to be registered in this state, the State Tax Commission may permit the vehicles to be registered for a registration period commencing on the first day of January, April, July, or October of any year and expiring on the last day of March, June, September, or December in the following year.

(4) When the expiration of a registration plate is extended by affixing a registration decal to it, the expiration of the decal governs the expiration date of the plate.

Section 3. Section **41-1a-905** is amended to read:

41-1a-905. Division to print mileage on certificate of title -- Exceptions.

(1) The division, before accepting an application for transfer of ownership of a motor vehicle under Part 7, Transfer of Ownership, shall require the transferee to furnish the completed odometer disclosure statement required by Section 41-1a-902 and shall, upon the transfer of ownership, print the mileage on the new certificate of title.

(2) This section does not apply to motor vehicles exempted from mileage disclosure statements under Section 41-1a-902.

~~[(3) The division, before accepting any application for renewal of registration of a motor vehicle, shall require the owner to record the actual miles on the application.]~~

Section 4. Section **41-1a-1103** is amended to read:

41-1a-1103. Sale.

(1) If the owner or lienholder of a seized vehicle, vessel, or outboard motor does not recover the vehicle, vessel, or outboard motor within 30 days from the date of seizure, or if the division is unable to determine the owner or lienholder through reasonable efforts, the division shall sell the vehicle, vessel, or outboard motor.

(2) The sale shall:

(a) be held in the form of a public auction at the place of storage; and

(b) at the discretion of the division, be conducted by:

(i) an authorized representative of the division; or

(ii) a public garage, impound lot, or impound yard that:

(A) is authorized by the division;

(B) meets the standards under Subsection 41-1a-1101(4); and

(C) complies with the requirements of Section 72-9-603.

(3) At least five days prior to the date set for sale, the division shall publish a notice of sale setting forth the date, time, and place of sale and a description of the vehicle, vessel, or outboard motor to be sold:

~~[(a) in a newspaper of general statewide circulation; and]~~

(a) on the division's website; and

(b) as required in Section 45-1-101.

(4) At the time of sale the division or other person authorized to conduct the sale shall tender to the highest bidder a certificate of sale conveying all rights, title, and interest in the vehicle, vessel, or outboard motor.

(5) The proceeds from the sale of a vehicle, vessel, or outboard motor under this section shall be distributed as provided under Section 41-1a-1104.

(6) If the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within 30 days from the date of release, the division shall renotify the owner or lienholder and sell the vehicle, vessel, or outboard motor, in accordance with this section, 30 days from the date of the notice.

Section 5. Section **41-1a-1201** is amended to read:

41-1a-1201. Disposition of fees.

(1) All fees received and collected under this part shall be transmitted daily to the state treasurer.

(2) Except as provided in Subsections (3), (4), (6), and (7) and Sections 41-1a-422, 41-1a-1220~~[, and]~~ 41-1a-1221, and 41-1a-1223, all fees collected under this part shall be deposited in the Transportation Fund.

(3) (a) Funds generated under Subsections 41-1a-1211(1)(b)(i), (6)(b)(i), and (7) and Section 41-1a-1212 may be used by the commission as a dedicated credit to cover the costs incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

(b) Fees for statehood centennial license plates shall be collected and deposited in the Transportation Fund, less production and administrative costs incurred by the commission.

(4) All funds available to the commission for purchase and distribution of license plates and decals are nonlapsing.

(5) Except as provided in Subsection (3) and Section 41-1a-1205, the expenses of the commission in enforcing and administering this part shall be provided for by legislative appropriation from the revenues of the Transportation Fund.

(6) (a) Except as provided in Subsection (6)(b), the following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the Centennial Highway Fund Restricted Account created under Section 72-2-118:

(i) \$10 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b), (2), and (5);

(ii) \$1 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i), (1)(c)(ii), and (1)(d)(ii);

(iii) \$2 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

(iv) \$3 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i); and

(v) \$4.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i).

(b) When the highway general obligation bonds have been paid off and the highway projects completed that are intended to be paid from revenues deposited in the Centennial Highway Fund Restricted Account as determined by the Executive Appropriations Committee under Subsection 72-2-118(6)(d), the portions of the registration fees deposited under Subsection (6)(a) for each vehicle shall be deposited in the Transportation Investment Fund of 2005 created by Section 72-2-124.

(7) The following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the Transportation Investment Fund of 2005 created by Section 72-2-124:

(a) \$20 of each registration fee collected under Subsections 41-1a-1206(1)(a), (1)(b), (1)(c), (1)(d)(i), (1)(e)(i), (2)(a), and (5); and

(b) 50 cents of each registration fee collected under Subsection 41-1a-1206(1)(e)(ii).

Section 6. Section **41-1a-1223** is enacted to read:

41-1a-1223. Local emissions compliance fee -- Exemptions -- Transfer -- County

ordinance -- Notice.

(1) (a) (i) A county legislative body of a county that is required to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard in accordance with Section 41-6a-1642 may impose a local emissions compliance fee of up to \$3 on each motor vehicle registration within the county.

(ii) A fee imposed under Subsection (1)(a)(i) shall be set in whole dollar increments.

(b) If imposed under Subsection (1)(a), at the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local emissions compliance fee established by the county legislative body.

(c) The following are exempt from the fee required under Subsection (1)(a):

(i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3); and

(ii) a commercial vehicle with an apportioned registration under Section 41-1a-301.

(2) The revenue generated from the fees collected under this section shall be transferred to the county that imposed the fee.

(3) To impose or change the amount of a fee under this section, the county legislative body shall pass an ordinance:

(a) approving the fee;

(b) setting the amount of the fee; and

(c) providing an effective date for the fee as provided in Subsection (4).

(4) (a) If a county legislative body enacts, changes, or repeals a fee under this section, the enactment, change, or repeal shall take effect on July 1 if the commission receives notice meeting the requirements of Subsection (4)(b) from the county prior to April 1.

(b) The notice described in Subsection (4)(a) shall:

(i) state that the county will enact, change, or repeal a fee under this section;

(ii) include a copy of the ordinance imposing the fee; and

(iii) if the county enacts or changes the fee under this section, state the amount of the fee.

Section 7. Section **41-6a-1642 (Effective 01/01/10)** is amended to read:

41-6a-1642 (Effective 01/01/10). Emissions inspection -- County program.

(1) The legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard shall require:

(a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle is exempt from emissions inspection and maintenance program requirements be presented:

(i) as a condition of registration or renewal of registration; and

(ii) at other times as the county legislative body may require to enforce inspection requirements for individual motor vehicles, except that the county legislative body may not routinely require a certificate of emission inspection, or waiver of the certificate, more often than required under Subsection (6); and

(b) compliance with this section for a motor vehicle registered or principally operated in the county and owned by or being used by a department, division, instrumentality, agency, or employee of:

(i) the federal government;

(ii) the state and any of its agencies; or

(iii) a political subdivision of the state, including school districts.

(2) (a) The legislative body of a county identified in Subsection (1), in consultation with the Air Quality Board created under Section 19-1-106, shall make regulations or ordinances regarding:

(i) emissions standards;

(ii) test procedures;

(iii) inspections stations;

(iv) repair requirements and dollar limits for correction of deficiencies; and

(v) certificates of emissions inspections.

(b) The regulations or ordinances shall:

(i) be made to attain or maintain ambient air quality standards in the county, consistent with the state implementation plan and federal requirements; and

(ii) may allow for a phase-in of the program by geographical area.

(c) The county legislative body and the Air Quality Board shall give preference to an inspection and maintenance program that is:

(i) decentralized, to the extent the decentralized program will attain and maintain ambient air quality standards and meet federal requirements;

(ii) the most cost effective means to achieve and maintain the maximum benefit with regard to ambient air quality standards and to meet federal air quality requirements as related to vehicle emissions; and

(iii) providing a reasonable phase-out period for replacement of air pollution emission testing equipment made obsolete by the program.

(d) The provisions of Subsection (2)(c)(iii) apply only to the extent the phase-out:

(i) may be accomplished in accordance with applicable federal requirements; and

(ii) does not otherwise interfere with the attainment and maintenance of ambient air quality standards.

(3) The following vehicles are exempt from the provisions of this section:

(a) an implement of husbandry;

(b) a motor vehicle that:

(i) meets the definition of a farm truck under Section 41-1a-102; and

(ii) has a gross vehicle weight rating of 12,001 pounds or more;

(c) a vintage vehicle as defined in Section 41-21-1; and

(d) a custom vehicle as defined in Section 41-6a-1507.

(4) (a) The legislative body of a county identified in Subsection (1) shall exempt a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight of 12,000 pounds or less from the emission inspection requirements of this section, if the registered owner of the pickup truck provides a signed statement to the legislative body stating the truck is used:

(i) by the owner or operator of a farm located on property that qualifies as land in agricultural use under Sections 59-2-502 and 59-2-503; and

(ii) exclusively for the following purposes in operating the farm:

(A) for the transportation of farm products, including livestock and its products, poultry and its products, floricultural and horticultural products; and

(B) in the transportation of farm supplies, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production and maintenance.

(b) The county shall provide to the registered owner who signs and submits a signed

statement under this section a certificate of exemption from emission inspection requirements for purposes of registering the exempt vehicle.

(5) (a) Subject to Subsection (5)(c), the legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard may require each college or university located in a county subject to this section to require its students and employees who park a motor vehicle not registered in a county subject to this section to provide proof of compliance with an emissions inspection accepted by the county legislative body if the motor vehicle is parked on the college or university campus or property.

(b) College or university parking areas that are metered or for which payment is required per use are not subject to the requirements of this Subsection (5).

(c) The legislative body of a county shall make the reasons for implementing the provisions of this Subsection (5) part of the record at the time that the county legislative body takes its official action to implement the provisions of this Subsection (5).

(6) (a) An emissions inspection station shall issue a certificate of emissions inspection for each motor vehicle that meets the inspection and maintenance program requirements established in rules made under Subsection (2).

(b) The frequency of the emissions inspection shall be determined based on the age of the vehicle as determined by model year and shall be required annually subject to the provisions of Subsection (6)(c).

(c) (i) To the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative body of a county identified in Subsection (1) shall only require the emissions inspection every two years for each vehicle.

(ii) The provisions of Subsection (6)(c)(i) apply only to a vehicle that is less than six years old on January 1.

(d) If an emissions inspection is only required every two years for a vehicle under Subsection (6)(c), the inspection shall be required for the vehicle in:

(i) odd-numbered years for vehicles with odd-numbered model years; or

(ii) in even-numbered years for vehicles with even-numbered model years.

(7) The emissions inspection shall be required within the same time limit applicable to a safety inspection under Section 41-1a-205.

(8) (a) A county identified in Subsection (1) shall collect information about and monitor the program.

(b) A county identified in Subsection (1) shall supply this information to an appropriate legislative committee, as designated by the Legislative Management Committee, at times determined by the designated committee to identify program needs, including funding needs.

(9) If approved by the county legislative body, a county that had an established emissions inspection fee as of January 1, 2002, may increase the established fee that an emissions inspection station may charge by \$2.50 for each year that is exempted from emissions inspections under Subsection (6)(c) up to a \$7.50 increase.

(10) (a) A county identified in Subsection (1) may impose a local emissions compliance fee on each motor vehicle registration within the county in accordance with the procedures and requirements of Section 41-1a-1223.

(b) A county that imposes a local emissions compliance fee shall use revenues generated from the fee for the establishment and enforcement of an emissions inspection and maintenance program in accordance with the requirements of this section.

Legislative Review Note
as of 11-18-09 5:33 PM

Office of Legislative Research and General Counsel